

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 103

The rejections of claim 1 and claim 15 should be withdrawn because Kucharczyk, taken alone or in combination with Howard III ('685 and '588) and Hochman, fails to disclose or fairly suggest each and every element recited in amended claim 1 and claim 15.

Claims 1 and 15 recite methods that include simulating a field distribution for a stimulator (or stimulation coil) relative to the position of the stimulator and determining a stimulation area for the stimulator relative to the position of the stimulator. The stimulation area of the stimulator is navigationally registered and used for positioning the stimulator or determining an optimal positioning for the stimulator.

Contrary to the assertions at pages 3-5 of the Office Action, Kucharczyk fails to make any mention of a stimulator or stimulation coil, let alone the recited simulation of a field distribution of the stimulator and the determining of a stimulation area for the stimulator. In addition, Kucharczyk has not been found to make any mention of navigationally registering the stimulation area of the stimulator.

Magnetic Stereotaxis

At page 3 of the Office Action, the Examiner asserts that "Kucharczyk (col. 13, lines 12-40) does in fact teach the limitation of 'simulating a field distribution for a field coil relative to a position of the stimulated coil' based on the fact that the 'computer may also be electronically associated with the magnetic stereotaxis' by which the broadest reasonable interpretation, meets the aforementioned limitation of claim 15."

For convenience of reference, col. 13, lines 12-40 of Kucharczyk is reproduced below.

The operating theater may have the support for a patient comprising a sled arrangement on tracks between the magnetic resonance imaging apparatus and the magnetic guidance apparatus. The support may, for example, be moved along the tracks by a motor. The magnetic resonance imaging system may have a computer electronically

associated therewith which receives data from the magnetic resonance imaging system to create an electronic image. The computer may also be electronically associated with the magnetic stereotaxis or magnetic guidance apparatus so that selected signals to the computer effect a signal from the computer to said magnetic stereotaxis or magnetic guidance apparatus to vary magnetic fields within the magnetic stereotaxis or magnetic guidance apparatus, which magnetic fields are able to guide a medical device. The computer may have the ability to overlay a prospective path for guidance of a medical device by the magnetic guidance apparatus onto said electronic image. The computer may also be electronically associated with the magnetic stereotaxis or magnetic guidance apparatus so that selected signals to the computer effect a signal from the computer to the magnetic guidance apparatus to vary magnetic fields within the magnetic guidance apparatus, which magnetic fields are able to guide a medical device. The magnetic resonance imaging system may have a computer electronically associated therewith which receives data from the magnetic resonance imaging system and operates upon the received data from the magnetic resonance imaging system to create an electronic image.

In essence, the Examiner has asserted that magnetic stereotaxis is the same as or at least sufficient to anticipate or render obvious the claim 15 recitation of "simulating a field distribution for a field coil to a position of a stimulated coil." This interpretation is simply incorrect in view of Kucharczyk's disclosure of magnetic stereotaxis.

Kucharczyk's discussion of magnetic stereotaxis in no way hints at simulating a field distribution for a stimulator or determining a stimulation area for a stimulator relative to the position of the stimulator.

Kucharczyk explains what is meant by "magnetic stereotaxis." Simply stated, Kucharczyk discussed that magnetic stereotaxis involves using magnetic fields and/or gradients to steer a magnetically-tipped implant to a desired location within a patient. For example, col. 5, lines 58-60, of Kucharczyk explain that in magnetic stereotaxis "[t]he magnetic field and field gradients of the magnetic stereotaxis system are used to steer and implant within the body."

Kucharczyk's disclosure of magnetic stereotaxis cannot be interpreted to anticipate or render obvious any of (i) simulating a field distribution for a stimulator (or stimulation coil) relative to the position of the stimulator, (ii) determining a stimulation area for the stimulator relative to the position of the stimulator. Further, Kucharczyk makes no mention of the stimulation area of the stimulator being navigationally registered and used for positioning the stimulator or determining an optimal positioning for the stimulator.

None of Howard III ('685 and '588) and Hochman cure the deficiencies of Kucharczyk with respect to that recited in claims 1 and 15. Therefore, the rejections of claims 1-3, 8-11 and 14-15 should be withdrawn.

Telephone Interview

In the interests of advancing this application to issue and compact prosecution, it is respectfully requested that the Examiner telephone the undersigned to discuss any of the foregoing with which there may be some controversy or confusion or to make any suggestions that the Examiner may have to place the application in condition for allowance.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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Date: October 10, 2007

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